

REMARKS

Claims 1 to 5, 7 to 16, 18, 19, 21 and 22 are in the application, with Claims 5 and 14 to 16 having been withdrawn pursuant to a requirement to elect between species. Claims 6, 17 and 20 have been cancelled and Claims 21 and 22 have been added herein. Thus, Claims 1 to 4, 7 to 13, 18, 19, 21 and 22 remain under consideration, with Claims 1 and 9 being independent. Reconsideration and further examination are respectfully requested.

Initially, Applicant wishes to affirm the election of Claims 1 to 19, made in response to a telephone restriction requirement. The election is now made without traverse. In keeping with this election, Claim 20 has been cancelled herein.

Applicant also wishes to affirm the election to prosecute the invention of Species I, which is identified by the Examiner as the wrist rest of Figures 1 and 2, made in response to a telephone election requirement. Claims 1 to 4, 7 to 13, 18, 19, 21 and 22 are believed to read on elected Species I. Pursuant to this election, Claims 5 and 14 to 16 have been withdrawn; however, these claims have been amended herein for consistency with the other claims.

Turning now to the Office Action, Claims 2 to 8 and 10 to 19 were objected to over informalities. The claims have been amended giving due regard to the objections raised in the Office Action. Reconsideration and withdrawal of the objections is respectfully requested.

Claims 7, 8, 18 and 19 were rejected under 35 U.S.C. § 112, first paragraph. The Office Action took the position that the claimed length and width of the wrist rest were not described within the specification. The specification has been amended herein in

accordance with MPEP § 2163 with due regard given to the issues raised in the Office Action. Reexamination and withdrawal of the rejections are respectfully requested.

Claims 2, 11 and 12 were rejected under 35 U.S.C. § 112, second paragraph. Claims 2 and 11 have been amended giving due regard to the issues raised in the Office Action, and reexamination and withdrawal of these rejections are respectfully requested.

With regard to the § 112, second paragraph, rejection of Claim 12, the Office Action took the position that it is unclear what is meant by the term “cartoon character.” Applicant respectfully submits that the term “cartoon character” is well understood to persons of ordinary skill in the art. Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 1 to 4 and 9 to 13 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,672,932 (Panec). Claims 7, 8, 18 and 19 were rejected under 35 U.S.C. § 103(a) over Panec, and Claims 6 and 17 were rejected under § 103(a) over Panec in view of U.S. Patent No. 4,968,281 (Smith). Reconsideration and withdrawal of the rejections are respectfully requested.

The present invention relates to an ergonomic wrist support in a novelty shape for use adjacent to a computer input terminal. An example embodiment of the invention is a wrist rest for use with a keyboard or mouse, in a shape such as an animal or cartoon character. According to this example, the invention would benefit the user by helping to prevent repetitive stress injuries such as carpal tunnel syndrome while reducing workplace stress by making use of the computer more enjoyable to the user.

Turning to the specific language of the claims, independent Claim 1 recites a wrist rest for use adjacent to a computer input terminal, comprising a soft body having

an inner cavity and a three-dimensional outer covering, the inner cavity containing a lower layer of weighted materials for positioning the wrist rest and a moldable shape-retaining cushion, and the three-dimensional outer covering having an appearance of a novelty character. Claim 9 recites a wrist rest constructed for use adjacent a computer input terminal comprising a three-dimensional soft body shaped to resemble a character, wherein the soft body comprises a longitudinally extending central portion shaped as the torso of the character and formed with a lower layer of weighted materials for positioning the wrist rest and a moldable-shape-retaining cushion, the central portion being sized to cushion a user's wrist while the user is operating the computer input terminal, and at least one peripheral portion shaped as an extremity of the character and formed with a plush outer covering stuffed with a filling material.

The applied art is not seen to disclose or to suggest the claimed invention. In particular, the prior art is not seen to disclose or to suggest at least the features of a lower layer of weighted materials for positioning the wrist rest, or an inner cavity containing a moldable shape-retaining cushion.

The Office Action takes the position that the internal deformable bladder of Panec is analogous to the inner cavity containing a moldable shape-retaining cushion of the present invention. The Office Action cites Panec's suggestion of "a deformable gel" (Panec, Column 3, Lines 35 to 36) in conjunction with a dictionary definition of "moldable" for the proposition that Panec's deformable bladder reads on the present invention's moldable shape-retaining cushion. However, it is respectfully submitted that a gel that is deformable might not necessarily be "shape-retaining." Indeed, Panec's invention is seen to be largely premised on the feature that "the deformable bladder is

squishy and preferably comprises an outer shell that is elastometric such that the bladder generally returns to an original resting shape” (Panec, Column 3, Lines 28 to 30). Such a description is inconsistent with the deformable gel of Panec being shape-retaining, as is the internal cushion of the present invention.

In its rejection of now cancelled Claims 6 and 17, the Office Action concedes that Panec does not disclose or suggest the lower layer of weighted materials for positioning the wrist rest, but takes the position that it would have been obvious to modify the teachings of Panec to include a lower layer of weighted materials as in Smith. However, in the present invention, it is the inner cavity which contains a lower layer of weighted materials for positioning. In contrast, Smith is seen to teach placing the weighted material in the feet of the toy so as to cause the feet to dangle when held aloft (Smith, Abstract, Column 1, line 40 to 42). Smith is thus seen to teach away from using a lower layer of weighted materials within the inner cavity. Therefore, Panec, alone or in combination with the teachings of Smith, is not seen to disclose or to suggest the present invention.

The remaining claims are each dependent from the independent claims discussed above and are believed patentable for at least the same reasons. Because each dependent claim is deemed to define an additional aspect of the invention, however, the individual consideration of each on its own merits is respectfully requested.

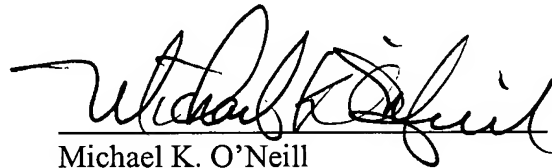
With respect to the requirement for an election between species, Applicant acknowledges with thanks the Examiner’s indication that both Claims 1 and 9 are generic. Accordingly, since Claims 1 and 9 are believed to be allowable as discussed above,

Applicant respectfully requests rejoinder of withdrawn Claims 5, 14, 15 and 16. See MPEP § 809.02.

In view of the foregoing amendments and remarks, the entire application is believed to be in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Applicants' undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael K. O'Neill", is written over a horizontal line.

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